

EXHIBIT 11

Confidential - Per 2004 MDL 1358 Order

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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:

Methyl Tertiary Butyl:MDL NO. 1358 (SAS)
Ether ("MTBE") :
Products Liability :
Litigation :

In Re:

City of New York

CONFIDENTIAL (Per 2004 MDL 1358 Order)

April 17, 2008

Videotaped Deposition of
JAMES J. ROBERTS, held in the law
offices of McDermott, Will & Emery, 340
Madison Avenue, New York, New York,
beginning at approximately 10:15 a.m.,
before Ann V. Kaufmann, a Registered
Professional Reporter, Certified
Realtime Reporter, Approved Reporter of
the U.S. District Court, and a Notary
Public.

GOLKOW TECHNOLOGIES, INC.
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deps@golkow.com

1 Q. And with regard to Well 5,
2 is the well going to be brought back
3 on line?

4 A. The overall question of the
5 status of the utilization of all the
6 groundwater wells speaks to the issue of
7 water quality and necessity. So when
8 the need is there for us to put it into
9 service and if the water quality is such
10 that that can be done, it would be put
11 into service.

12 Q. And with regard to these
13 wells, being the nine that you have
14 identified with GAC, and well 5, is it
15 your understanding that those would only
16 be operated if there was a drought
17 emergency or maintenance problem?

18 A. I would not -- I would not
19 put that limitation on it. Certainly
20 that would bring the -- as my other
21 phone vibrates, and I apologize for
22 that. Let me just ignore that and shut
23 it off.

24 So I would not put the

1 limitation on it. Certainly under the
2 conditions of drought or emergency,
3 there would be a much more compelling
4 reason to, you know, expedite getting
5 those wells in service, but I would not
6 put the limitation on it necessarily.

7 Q. With respect to the
8 question of the City's groundwater
9 system and its future use, have you
10 been involved -- and I know you have
11 gone to some of the public meetings with
12 experts. But other than that, have you
13 been kept apprised of what the current
14 plan is to bring the Dependability
15 System wells of 55 million gallons on
16 line?

17 A. So -- and that goes back to
18 the comment I made a little earlier.

19 I think when -- and you
20 used the term "Dependability" and I did
21 not use it first. So I think that the
22 definition of Dependability gets
23 somewhat blurred, it crosses lines, and
24 the question becomes, when you are